



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/731,317	
	Filing Date	December 6, 2000	
	First Named Inventor	Normand Nantel	
	Art Unit	2886	
	Examiner Name	Pham, Hoa Q	
Total Number of Pages in This Submission	13	Attorney Docket Number	0053.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1) Issue Fee Transmittal (Part B) 2) Replacement Drawings (9 sheets) 3) Change of Correspondence Address (Form PTO/SB/122) 4) Comments on Statement of Reasons for Allowance 5) Receipt Postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nektar Therapeutics		
Signature			
Printed name	Naishadh Desai		
Date	October 23, 2007	Reg. No.	50,630

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	NAISHADH DESAI	Date	23 OCT 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nantel et al.	Group Art Unit: 2886
Application No: 09/731,317	Examiner: Pham, Hoa Q
Confirmation No: 1032	Attorney Docket No: 0053.00
Filed: December 6, 2000	
Title: SYSTEMS AND METHODS FOR NON-DESTRUCTIVE MASS SENSING	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Box Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

This Comments on Statement of Reasons for Allowance is responsive to the "Reasons for Allowance" provided by the Examiner in the Notice of Allowability attached to the Notice of Allowance and Fees Due statement mailed on July 24, 2007.

REMARKS

Applicant notes with appreciation the indication of allowance of all of the pending claims. The following comments are being provided to clarify the Statement of Reasons for Allowance.

In the Reasons for Allowance, the Examiner stated:

After a further reviewing the arguments of the Appeal Brief filed on 6/8/06, it is agreed that there was no motivation to combine reference Richardson et al (4,147,618) with the cited art so as to satisfy the combination of all the limitations in claims 1, 14, 17, 21, 30, and 39 (see pages 4-7 of the Appeal Brief).

Applicant agrees with the Examiner's conclusion that independent claim 1, for example, is not rendered unpatentable under 35 U.S.C. §103(a) by U.S. Patent 4,417,618 to Richardson et al (hereinafter Richardson et al). Applicant also agrees that there is no motivation to modify Richardson et al in a manner that would arrive at the invention of claim 1. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to do so. In addition, as pointed out in the Appeal Brief, Richardson et al is non-analogous art. For at least these reasons, claim 1 is not properly rejectable under 35 U.S.C. §103(a) as being unpatentable over Richardson et al.

Furthermore, it would not have been well within the grasp of one of ordinary skill in the art at the time the invention was made to modify Richardson et al in a manner that would result in the invention of claim 1. Also, there is no indication that the disclosure of Richardson et al could be modified with a reasonable likelihood of arriving at the invention of claim 1 or with a reasonable likelihood of success. Since Richardson et al fails to teach all features of claim 1 and since the invention achieves unexpected results (as discussed throughout the specification), claim 1 is allowable over the reference.

In addition, the other independent claims, which are each self-standing, are allowable because the language recited in each of the claims themselves is allowable over the prior art.

The Examiner is respectfully requested to consider Applicant's Comments on Examiner's Reasons for Allowance and is requested to respond to these comments if there is disagreement or additional clarification needed. In particular, Applicant wants to make clear that the claims are allowed because of a lack of motivation and because they are not properly rejectable under the analysis set forth in Graham v. John Deere Co., 383 U.S. 1 (1966), as explained in KSR International Co. v. Teleflex Inc., 550 U.S. ___, 127 S. Ct. 1727 (2007).

Conclusion

Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

Date: 23 OCTOBER 2007

By:



Naishadh N. Desai, Ph.D.
Registration No. 50,630

Nektar Therapeutics
201 Industrial Road
San Carlos, CA 94070
(650) 631-3286 (Telephone-Direct)
(650) 631-3100 (Telephone-Main)
(650) 620-6395 (Facsimile)